

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LEONILA NUNEZ,)
Plaintiff,) No. 07-CV-03795 (RJH)
vs.)
UNITED STATES OF AMERICA, et al.,)
Defendants.)

AND C.R.UER R

JOINT SCHEDULING REPORT UNDER FED. R. CIV. P. 26(f)

Pursuant to Federal Rule of Civil Procedure 26(f), Plaintiff Leonila Nunez ("Plaintiff"), and Defendants, the United States of America, United States District Court Probation, United States District Court Prob., and E.D. Ward-Cupril (collectively, "Defendants"), have conferred to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan. The parties report to the Court as follows:

1. Description of Case**a. Attorneys of Record.**Counsel for Plaintiffs:

Harold Chetrick, Esq.
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60 East 42nd Street
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Counsel for Defendants:

MICHAEL J. GARCIA
United States Attorney for the Southern District of New York

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b. **Basis for Federal Jurisdiction.** Plaintiff alleges that jurisdiction is conferred on this Court by the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401(b), and 2671-2680.

c. **Claims Asserted.** Plaintiff has brought this against Defendants for personal injury and property damage due to the alleged negligence of the Defendants in the operation of a motor vehicle. Plaintiff alleges that, on or about May 23, 2006, Defendants negligently caused a motor vehicle operated by Defendants to come into contact with a motor vehicle operated by Plaintiff, resulting in personal injury and property damage.

d. **Major Factual and Legal Issues.** The major legal issues in this case are likely to involve whether the Defendants and/or Plaintiff were negligent in the operation of their respective motor vehicles, causation of damages and the extent of such damages, and whether the Court has subject matter jurisdiction over the action under the Federal Tort Claims Act for all named Defendants.

e. **Relief Sought.** Plaintiff seeks money damages.

2. **Proposed Case Management Plan**

a. **Pending Motions.** None

- b. **Joinder of Other Parties.** All motions to join other parties shall be filed on or before January 15, 2008, unless new information supporting such amendment is discovered thereafter.
- c. **Amendment of Pleadings.** All motions to amend the pleadings shall be filed on or before January 15, 2008, unless new information supporting such amendment is discovered thereafter.
- d. **Proposed Schedule for Completion of Discovery**
 - i. **Rule 26(a)(1) Disclosure.** The Parties will serve initial disclosures by October 5, 2007.
 - ii. **Fact Discovery Schedule.** Fact Discovery shall close on January 15, 2008.
 - iii. **Rule 26(a)(2) Disclosure.** Parties will exchange Rule 26(a)(2) disclosures, including expert reports, by January 15, 2008.
 - iv. **Expert Discovery.** Expert discovery shall close on February 22, 2008.
- e. **Case Dispositive Motions.** Any case-dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed, along with an opening brief, by March 7, 2008.
- f. **Final Pretrial Order.** The Parties shall file a joint proposed pretrial order by March 13, 2008.
- g. **Proposed Trial Schedule.**
 - i. The case shall not be tried to a jury.
 - ii. Trial is expected to last six days.

iii. Case will be ready for trial by May 12, 2008.

3. **Consent to Proceed Before Magistrate Judge.** The Parties are currently considering whether to consent to proceed before a Magistrate Judge for trial purposes.

4. **Possibility for a Prompt Settlement**

a. **Whether Settlement Discussions Have Occurred.** The Parties are open to the possibility of settlement; however, substantive negotiations have not taken place.

b. **Status of Settlement Discussions.** No substantive negotiations have taken place.

c. **Settlement Conference.** The Parties do not request a settlement conference, but reserve the right to request one later.

5. A status conference shall be held on 1/18/08
Dated: September 17, 2007 at 10:00 a.m.

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

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So ORDERED

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